APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,448	03/28/2001	Paul W. Bennett	5676-00800	6659

		EXAMINER
7590	07/02/2004	HUTTON JR, WILLIAM D

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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 March 2001_.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-36_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _28 March 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Drawings

Figures 1-3 should be designated by a legend such as – PRIOR ART – because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1, 2, 3, 5 and 11 are objected to because of the following informalities:

- in Claim 1, the phrases "wherein the numeric values comprise *at least one* mathematical formula" in Lines 3-4 and "wherein *the* mathematical formula

includes a subtotal function" in Lines 4-5 and do not correspond because the claim first recites "*at least one* mathematical formula" and subsequently recites "*the* mathematical formula;" this same problem is repeated in Lines 9, 10 and 12 of Claim 1 and in Claims 2, 3, 5 and 11.

Claims 2 and 5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The limitations recited in Claims 2 and 5 are already set forth in Claim 1 (see Lines 11-13).

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Appropriate correction is required.

Nonstatutory Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-42 of U.S. Patent No. 6,742,162. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at them time the invention was made to include a "subtotal function" for the purpose of organizing the entry fields into "monthly" and "yearly" totals.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7, 9-17, 19, 21-29, 31 and 33-36 are rejected under 35 U.S.C. 102(e)

as being anticipated by Wisniewski, U.S. Patent No. 6,460,059.

Claim 1:

Wisniewski discloses a method (see Figures 1-17; see Column 1, Line 1 through

Column 10, Line 29), comprising:

- entering a plurality of numeric values in a plurality of number fields, wherein the

  plurality of number fields are displayed in columnar format on a display screen,

  wherein the numeric values comprise at least one mathematical formula, and

  wherein the mathematical formula includes a subtotal function (see Figure 5 –

  "numeric values" were entered into "number fields" b2-b10; b6 includes a

  "mathematical formula" that is a "subtotal function");

- entering a set of one or more mathematical operators in one or more operation

  fields, wherein the operation fields are displayed in columnar format on the

  display screen (the "mathematical operators" were entered in fields b4, b6, b9

  and b10 and displayed in a "columnar format"); and

- automatically calculating a first result of the mathematical formula, wherein the

  automatically calculating the first result of the mathematical formula comprises

  automatically calculating a subtotal of a plurality of the numeric values in a

  plurality of number fields preceding the number field in which the mathematical

  formula was entered (the "first result" is automatically calculated in field b6; the

  "first result" is a "subtotal" of the "numeric values" in the "numeric fields preceding

  the number field in which the mathematical formula was entered");

- automatically calculating a second result by applying the mathematical operators to the first result and the numeric values other than the at least one mathematical formula (the "second result" is automatically calculated in field b10; the "second result" is calculated "by applying the mathematical operators to the first result and the numeric values other than the at least one mathematical formula" in that the "mathematical operators" in field b10 are applied to the "first result" calculated in field b6 and to the "other numeric values" in fields b7 and b8); and

- displaying the second result on the display screen (the "second result" is displayed in field b10).

Claim 2:

Wisniewski discloses the method of Claim 1,

- wherein the automatically calculating the subtotal comprises calculating a subtotal of the numeric values in the number fields preceding the number field in which the mathematical formula was entered (as explained in the above rejection for Claim 1, Wisniewski discloses this limitation).

Claim 3:

Wisniewski discloses the method of Claim 1, further comprising:

- displaying the first result on the display screen in the number field in which the mathematical formula was entered (the "first result" is displayed in field b6).

Claim 4:

Wisniewski discloses the method of Claim 1,

- wherein the displaying the second result on the display screen comprises displaying the second result in a same column as the plurality of numeric values (the "second result" is displayed in b10).

Claim 5:

Wisniewski discloses the method of Claim 1,

- wherein the automatically calculating the subtotal comprises applying the mathematical operators in the operation fields preceding the number field in which the mathematical formula was entered to the numeric values in the number fields preceding the number field in which the mathematical formula was entered (the "mathematical operators" "preceding the number field in which the mathematical formula was entered" were applied to the "preceding" numeric values in that the numbers in fields b2 and b3 were entered as positive numbers rather than negative numbers; the positive symbols, which are "mathematical operators," are applied in the mathematical formula in field b4).

Claim 7:

Wisniewski discloses the method of Claim 1, further comprising:

- entering a first character string which is associated with one of the numeric values (see "first character string" in field a2); and

- displaying the first character string in a comment field adjacent to the numeric

  value (see Figure 5).

Claim 9:

Wisniewski discloses the method of Claim 1, further comprising:

- determining a first set of output character strings based on the numeric values

  (the "output character strings" are determined and then displayed in fields b2, b3,

  et al.); and

- displaying the first set of output character strings in the number fields.

Claim 10:

Wisniewski discloses the method of Claim 1, further comprising:

- displaying the mathematical formula and the first result of the mathematical

  formula in one of the number fields (see Figure 1 – as demonstrated in this

  figure, a typical spreadsheet displays both a "mathematical formula" and a "first

  result" in one "number field;" when the field is highlighted for editing, the formula

  is displayed, and when the field is not highlighted, the result is displayed).

Claim 11:

Wisniewski discloses the method of Claim 1, further comprising:

- entering an equality character after entering the mathematical formula (see

  Figure 1 – the "equality character" is "entered" "after entering the mathematical

formula" in that it becomes part of the spreadsheet when the user presses the

<ENTER> button); and

- wherein the displaying the first result of the mathematical formula comprises

    displaying the first result after the entering the equality character (after the

    <ENTER> button is pressed, the "first result" is displayed).

Claim 12:

Wisniewski discloses the method of Claim 1, further comprising:

- wherein the plurality of number fields are displayed in at least a first column and

    a second column on the display screen (see Figure 5 – column b is the "first

    column" and column c is the "second column"); and

- wherein the method further comprises:

    o   automatically calculating a third result based on the numeric values in the

        number fields in the second column (the "third result" is "based on the

        numeric values in the number fields in the second column" and displayed

        in field c6); and

    o   displaying the third result on the display screen.

Claims 13-17, 19 and 21-24:

These claims merely recite a computer system that performs the methods of

Claims 1-5, 7 and 9-12, respectively. Thus, Claims 13-17, 19 and 21-24 are rejected

using the same rationale specified in the above rejections for Claims 1-5, 7 and 9-12.

Claims 25-29, 31 and 33-36:

These claims merely recite computer software that performs the methods of

Claims 1-5, 7 and 9-12, respectively. Thus, Claims 25-29, 31 and 33-36 are rejected

using the same rationale specified in the above rejections for Claims 1-5, 7 and 9-12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wisniewski, U.S. Patent No. 6,460,059, in view of the admitted prior art

(Admission).

Claim 6:

As indicated in the above discussion, Wisniewski discloses every element of

Claim 1.

Wisniewski fails to expressly disclose:

- number fields and operation fields that are displayed in adjacent columns which

  share a first single column label.

Admission teaches a method (see Figure 1 in Drawings; see Specification –

Page 1, Line 15 through Page 2, Line 28), comprising:

- entering number fields and operation fields that are displayed in adjacent columns (see Figure 1 – the number fields and operation fields are entered and displayed in adjacent columns),

for the purpose of displaying a mathematical formula in a vertical sequence, which is intuitive to users because that is how users write mathematical formulas on paper (see Specification – Page 1, Line 25 through Page 2, Line 7).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, to include entering number fields and operation fields that are displayed in adjacent columns for the purpose of displaying a mathematical formula in a vertical sequence, which is intuitive to users because that is how users write mathematical formulas on paper, as taught by Admission.

Wisniewski, in view of Admission, fails to expressly disclose number fields and operation fields that are displayed in adjacent columns *which share a first single column label*. However, at the time the invention was made, it would have been obvious to a person having ordinary skill in the art to display adjacent columns under a single column label for the purpose of properly identifying a set of related columns. For example, a spreadsheet could have included the total sales for each quarter of the year 1999 and identified as such with a single header over the related adjacent columns, as shown in Figure 3 of Applicant's Drawings.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, in view of Admission, to include displaying number fields and operation fields in adjacent columns which share a first single column label for the purpose of properly identifying a set of related columns.

Claim 18:

This claim merely recites a computer system that performs the method of Claim 6. Thus, Claim 18 is rejected using the same rationale specified in the above rejection for Claim 6.

Claim 30:

This claim merely recites computer software that performs the method of Claim 6. Thus, Claim 30 is rejected using the same rationale specified in the above rejection for Claim 6.

Claims 8, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisniewski, U.S. Patent No. 6,460,059, in view of Blattner, Patrick et al., Special Edition Using Microsoft Excel 2000, Chapter 6 – "*Keeping Worksheets Legible*" (Que Publishing, 1999).

Claim 8:

As indicated in the above discussion, Wisniewski discloses every element of Claim 1.

Wisniewski fails to expressly disclose a method:

- wherein the entering the numeric values comprises:

    o entering a first numeric value in a number field in an upper line;

    o automatically shifting an entry point to a number field in a lower line; and

    o entering a next numeric value in the number field in the lower line.

Blattner teaches a method, comprising:

- entering numeric values, wherein entering numeric values comprises:

    o entering a first numeric value in a number field in an upper line;

    o automatically shifting an entry point to a number field in a lower line; and

    o entering a next numeric value in the number field in the lower line (see Pages 6-8, "Rotating and Wrapping Text" – the spreadsheet allows entry of "numeric values" and text wrapping),

for the purpose of fitting all of the text into a particular column width.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Wisniewski, to include:

- entering numeric values, wherein entering numeric values comprises:

    o entering a first numeric value in a number field in an upper line;

    o automatically shifting an entry point to a number field in a lower line; and

     o   entering a next numeric value in the number field in the lower line,

for the purpose of fitting all of the text into a particular column width, as taught by

Blattner.

Claim 20:

This claim merely recites a computer system that performs the method of Claim

8. Thus, Claim 20 is rejected using the same rationale specified in the above rejection

for Claim 8.

Claim 32:

This claim merely recites computer software that performs the method of Claim

8. Thus, Claim 32 is rejected using the same rationale specified in the above rejection

for Claim 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: Shlafly, U.S. Patent No. 5,633,998; Rank et al., U.S. Patent

Application Publication No. US 2002/0143829 A1; Adler et al., U.S. Patent No.

6,138,130; Freidman et al., U.S. Patent No. 6,360,188; and Comer et al., U.S. Patent
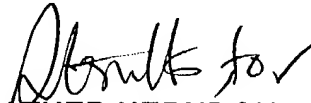
No. 6,055,548.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
June 15, 2004

HEATHER HERNDON
SUPERVISORY PATENT EXAMINER
TECH CENTER 2100